IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY EIGHTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

WRIT PETITION No. 15425 of 2005

Between:

Smt. Pujrari Varahalamma and two others

..... PETITIONERS

AND

The Vice Chairman Visakhapatnam Urban

Development Authority, Visakhapatnam

and two others

.....RESPONDENTS

ORDER:

Seeking a Mandamus, declaring the action of the respondents in not effecting registration in favour of petitioners in pursuance of the order of the 1st respondent dated 24.09.2002, as illegal and arbitrary, the present writ petition is filed.

The case of the petitioners is that their mother Smt.B.Narasamma was the absolute owner of the land covered in S.No.28/7, admeasuring 752 sq.yards situated at Madhavadhara Village. After death of their mother, their three brothers inherited the property by way of succession and in turn they gave that land to the petitioners towards Pasupu-Kunkuma. Subsequently, the respondent authorities acquired the said land for formation of Road, and the petitioners submitted a proposal to the 1st respondent requesting to allot a land of 376 sq.yards covered by S.No.14/p of

Madhavadhara VUDA Layout in lieu of the land acquired. Considering their representation, the 1st respondent issued proceedings dated 24.09.2002, offering plot No.ID of the Madhavadhara Ph.II Layout to the petitioners. But the respondents did not get registered the said land in favour of the petitioners. The petitioners made a representation to the respondents on 26.04.2005 in this regard, but there is no response from the respondents. Hence the petitioner is constrained to approach this Court by filing this writ petition.

Heard the learned counsel for the petitioner and the learned counsel for the respondents.

The 1st respondent by his proceedings dated 24.09.2002 confirmed that the mother of the petitioners by name Bhagavathi Narasamma was the title holder of the acquired property and the same was given to the petitioners towards Pasupukunkuma by their brothers and as such, offered substitution plot No.1D of Mdhavadhara Ph.II layout to the petitioners in lieu of the acquired property. The petitioners surrendered their land to the respondents. But the respondents have not put forward to register the allotment land in favour of petitioners. The representation made by the petitioners is pending consideration before the respondents.

Having regard to the facts and circumstances as explained by the petitioners, I deem it appropriate to dispose of the writ petition, with a direction to the respondents to consider the representation of the petitioners dated 26.04.2005 and pass appropriate orders thereon, in accordance with law, within a period of four weeks from the date of receipt of a copy of this order.

With the above observations, the Writ Petition is disposed of. No order as to costs.

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ELIPE DHARMA RAO,J

Dated: 28.07.2005

Dsr